

Article - Criminal Law

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§8–305.

(a) (1) In this section the following words have the meanings indicated.

(2) “Identity fraud” means a violation of § 8–301 of this subtitle.

(3) “Identity theft passport” means a card or certificate issued by the Attorney General that verifies the identity of the person who is a victim of identity fraud.

(b) A person who knows or reasonably suspects that the person is a victim of identity fraud and has filed a report under § 8–304 of this subtitle may apply for an identity theft passport through a law enforcement agency.

(c) A law enforcement agency that receives an application for an identity theft passport shall submit the application and a copy of the report filed under § 8–304 of this subtitle to the Attorney General for processing and issuance of an identity theft passport.

(d) (1) The Attorney General, in cooperation with a law enforcement agency, may issue an identity theft passport to a person who is a victim of identity fraud.

(2) The Attorney General may not issue an identity theft passport to a person before completing a background check on the person.

(e) A person who is issued an identity theft passport under subsection (d) of this section may present the identity theft passport to:

(1) a law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another using the person’s personal identifying information; or

(2) a creditor to aid in the investigation of:

(i) a fraudulent account that is opened in the person’s name;

or

(ii) a fraudulent charge that is made against an account of the

person.

(f) (1) A law enforcement agency or creditor that is presented with an identity theft passport under subsection (e) of this section has sole discretion to accept or reject the identity theft passport.

(2) In determining whether to accept or reject the identity theft passport, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person.

(g) An application for an identity theft passport submitted under this section, including any supporting documentation:

(1) is not a public record; and

(2) may not be released except to a law enforcement agency in this or another state.

(h) The Attorney General shall adopt regulations to carry out the provisions of this section.

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